

Myron Angstman
Matthew Widmer
ANGSTMAN LAW OFFICE
PO Box 585
Bethel, AK 99559
Phone: (907) 543-2972
Fax: (907) 543-3394
angstmanadmin@alaska.com

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF ALASKA

EMILY HUGHES,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 3:07-CV-_____

COMPLAINT

Plaintiff Emily Hughes, through counsel Angstman Law Office, for her complaint against the defendant, states and alleges as follows:

JURY DEMAND

Plaintiff hereby requests a trial by jury.

PARTIES AND JURISDICTION

1. This action arises under the Federal Tort Claims Act, 28 U.S.C. § 1346(b), and §§ 2671 *et seq.*

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ATTORNEYS AT LAW
P.O. BOX 585
BETHEL, ALASKA
99559
(907) 543-2972

2. Plaintiff currently resides in Teller, Alaska. At all times relevant to the allegations and claims in this complaint, Plaintiff has resided in Alaska. The acts and omissions giving rise to this complaint occurred in Anchorage, Alaska.
3. The Alaska Native Medical Center ("ANMC") is a non-profit corporation organized pursuant to Alaska law. Upon information and belief, ANMC is a corporation in good standing in the State of Alaska.
4. The United States has assumed tort liability under the Federal Tort Claims Act for the negligent acts of ANMC employees.
5. This court has jurisdiction over the subject matter of this action under 28 U.S.C. §1346(b). An administrative claim has been presented and no final disposition of the claim has been made within six months of presenting the claim.

BACKGROUND FACTS

6. On August 10, 2005 Plaintiff was seen by Dr. Bradley Smith at ANMC. Dr. Smith diagnosed Plaintiff at that time with a possible lipoma and discussed her options for surgery. Plaintiff was experiencing occasional ulnar nerve paresthesias related to a small mass over her right proximal forearm.
7. On or about December 6, 2005, Plaintiff was admitted for surgery to remove the lump on her right arm.
8. Dr. Smith performed surgery on Plaintiff and removed a small mass from the medial aspect of her right elbow.

9. The surgery was performed on the wrong area of the arm.
10. Two weeks after surgery Plaintiff was seen for a follow up by Dr. Head. At that time Plaintiff reported to continue to experience paresthesias along the ulnar nerve course of her right arm.
11. Additionally, Plaintiff announced that the incision on her arm was on the distal arm, above the elbow, not on her proximal forearm where the lump to be removed was located.
12. Plaintiff underwent a second surgery to remove the original small mass on her proximal forearm on August 29, 2006.

**FIRST CAUSE OF ACTION
NEGLIGENCE**

13. Plaintiff realleges and incorporates Paragraphs 1-11, above.
14. At the above-mentioned time and place, Defendant, through its agents, servants and employees, was negligent in one or more of the following respects:
 - a. Failing to perform the scheduled removal of a small mass on Plaintiff's proximal forearm when she presented at the ANMC operating room on or about December 6, 2005.
 - b. Performing the surgery on the wrong location on Plaintiff's arm;
 - c. Failing to review Plaintiff's medical history and chart so as to learn the exact location of the small mass to be removed as indicated in the earlier

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reports.

- d. Causing Plaintiff to continue to suffer pain, discomfort and tingling in her right forearm.
 - e. Causing Mrs. Hughes to undergo further medical and neurological testing.
 - f. Causing Mrs. Hughes to undergo a second surgery and recovery period.
15. As a direct and proximate result of one or more of the foregoing negligent acts or omissions on the part of Defendant, Plaintiff sustained economic and non-economic damages, the precise amount of which will be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the court grant her the following relief:

- 1. An award of economic and non-economic damages, the precise amount of which will be proven at trial;
- 2. Allowable costs and attorney's fees; and
- 3. Such other relief as the court deems equitable and just.

RESPECTFULLY SUBMITTED this 30 day of August, 2007.

ANGSTMAN LAW OFFICE
Attorneys for Plaintiff

By: s/Myron Angstman
PO Box 585
Bethel, AK 99559
angstmanadmin@alaska.com
Alaska Bar No. 7410057

Angstman Law Office
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